

BY SPEED POST

**IN THE COURT OF SMT. USHA PADHEE, PRINCIPAL SECRETARY TO
GOVERNMENT, HOUSING AND URBAN DEVELOPMENT DEPARTMENT, ODISHA,
BHUBANESWAR.**

(Appellate Authority under O.D.A. Act, 1982)

Appeal No.14 of 2024

Under Section 18 (1) of the O.D.A. Act., 1982

Bijan Kumar Jena.....Appellant

-VRS-

BDA, Bhubaneswar Respondent.

Order

Date 16.08.2025

The case record is put up today.

This proceeding taken up in person mode.

The appellant is absent, the representative of Bhubaneswar Development Authority (BDA), Bhubaneswar [Respondent] is present.

This Memorandum of Appeal dated 29.01.2024 has been filed by Sri. Bijan Kumar Jena (aged about 42 years), S/o Baikuntha Nath Jena, resident of Plot No. 394/2490, Chandrasekharapur, Bhubaneswar-21 ,Dist-Khurda, Odisha under sub-section (1) of Section-18 of the Odisha Development Authorities Act, 1982, [here in after referred to as "the Act"] registered as TP Appeal No.14/2024.

Heard the Parties.

The appellant filed the instant appeal to set aside the impugned order dated 23.05.2023 passed by AO, Bhubaneswar Development Authority and communicated to the appellant vide letter No. 17289/BDA, Dt. 23.05.203 on Refusal of the application under provisions of the Scheme for Regularization of Unauthorized Constructions, 2018/2019.

The representative of BDA submitted that the appellant has applied for regularization of G+3 storied residential building over plot No. 394/2490 in mouza- Chandrasekharapur, under SRUC-2019. On examination, there was anomalies in the photograph of the building (Sriram Institute of Medical Science and Research) submitted by the appellant and building plan submitted. Accordingly the applicant was intimated to comply with the queries made

by BDA and due to non-compliance; its application has been rejected. After rejection, the applicant submitted its compliances which was duly examined and found that the building is used as institutional purpose which amounts to misrepresentation of fact by the applicant and further, additionally, the existing road width of 6.09m is less than the required minimum width of 12m for institutional use.

The appellant asserts that he had duly applied for regularization under the said scheme, with the application registered as BPRUC-2780/2020. Despite a site inspection conducted by BDA authorities, their application was rejected on 23/05/2023, citing non-compliance. The appellant contends that no show-cause letter dated 07.06.2023 was received, and they were unaware of the rejection until their visit to the BDA office on 17.02.2023. The appellant argues that the impugned order of rejection is cryptic, non-reasoned, arbitrary, and contrary to law, and that the BDA has failed to adhere to the principles of natural justice by not supplying the refusal letter and show-cause letter. The appellant maintains ownership of the property and seeks to have the rejection order set aside.

After careful consideration following a thorough review of the arguments put forward by each party, this Court is of view that, the said construction erected by the appellant is not satisfying the regularisation norms. Hence, this Court upholds the order of the lower Court and BDA/ BMC are directed to act upon this order immediately.

Accordingly, the appeal petition is disallowed.

Urgent copy of this order be supplied as per Rules and be also uploaded in the Department website.

Sd/-

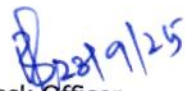
(Smt. Usha Padhee)

GOVERNMENT OF ODISHA
HOUSING & URBAN DEVELOPMENT DEPARTMENT
3RD FLOOR, KHARAVEL BHAWAN, BHUBANESWAR, PIN-751001

Memo No. 22772 /HUD.,

Date. 23.09.25

Copy forwarded to the OSD (ODA Act), Bhubaneswar Development Authority, Bhubaneswar for information and necessary action.


Desk Officer

Memo No. 22773 /HUD.,

Date 23.09.25

Copy forwarded to Bijan Kumar Jena, Plot No. 394/9490, Chandrasekharapur, Bhubaneswar, Dist- Khurdha for information and necessary action.


Desk Officer

Memo No. 22774 /HUD.,

Date. 23.09.25

Copy forwarded to the Team Lead, TASU, Housing & Urban Development Department with a request to take necessary steps in order to make the said notice available in the official website of this Department.


Desk Officer